

## CHAPTER 34: PURCHASES, SALES, AND PUBLIC IMPROVEMENTS

### Section

- 34.01 Authority
- 34.02 Use of credit cards or credit accounts
- 34.03 Approval of City Council; when required
- 34.04 Written quotes, estimates, and offers; when required
- 34.05 Competitive bidding; when required
- 34.06 Competitive bidding; award of contracts and purchases
- 34.07 Split orders to avoid limitations
- 34.08 Emergency purchases
- 34.09 Procedures and authority may be varied by City Council

### Cross-reference:

Contracts, competitive bidding, see Charter § 5.32

Budget, finance, and taxation, see Charter Ch. VI

### § 34.01 AUTHORITY.

(A) Except as limited by this chapter, the City Manager or designee shall have authority to do the following:

(1) Purchase, lease, or sell personal property and execute contracts and agreements therefor;

(2) Agree to the installation of public improvements and execute contracts and agreements therefor; and

(3) Agree to the acquisition of contractual services, insurance, and professional services and execute contracts and agreements therefor.

(B) The appointment of a designee by a City Manager shall be evidenced in writing and shall be effective upon filing with the City Clerk.

(Ord. 207, passed 10-20-03; Am. Ord. 237, passed 4-16-07)

### § 34.02 USE OF CREDIT CARDS OR CREDIT ACCOUNTS.

The use of credit cards and purchases made therewith shall be addressed in a resolution adopted by the City Council.

(Ord. 207, passed 10-20-03)

§ 34.03 APPROVAL OF CITY COUNCIL; WHEN REQUIRED.

Approval of the City Council shall be a condition to the following transactions:

(A) Agreements for the purchase, lease, or sale of personal property for consideration of \$10,000 or more per transaction;

(B) Agreements for the installation of public improvements for consideration of \$10,000 or more per transaction;

(C) Agreements for the acquisition of contractual services (but not professional services or insurance) for consideration of \$ 10,000 or more per transaction; and

(D) When required by the City Council.

(Ord. 207, passed 10-20-03; Am. Ord. 237, passed 4-16-07)

§ 34.04 WRITTEN QUOTES, ESTIMATES, AND OFFERS; WHEN REQUIRED.

(A) Unless competitive bidding is required by this section, or by law, administrative rule or as a condition of a contract or grant, the City Manager shall obtain not less than two written quotes, estimates or offers for any of the following:

(1) Agreements for the purchase or sale of personal property for consideration of more than \$5,000 but less than \$10,000 per transaction;

(2) Agreements for the installation of public improvements for consideration of more than \$5,000 but less than \$10,000 per transaction;

(3) Agreements for the acquisition of contractual services (but not professional services or insurance) for consideration of more than \$5,000 but less than \$10,000 per transaction; and

(4) When required by the City Council.

(B) Written quotes, estimates and offers shall be evidenced in writing and shall be filed with the City Clerk no later than the business day following the date of a purchase or sale. When authorizing a purchase, the City Manager, Interim City Manager or designee shall consider the factors set forth in § 34.06.

(Ord. 207, passed 10-20-03; Am. Ord. 237, passed 4-16-07)

§ 34.05 COMPETITIVE BIDDING; WHEN REQUIRED.

An opportunity for competitive bidding shall be required in the following circumstances:

(A) Agreements for the purchase or sale of personal property for consideration of more than \$10,000 per transaction;

(B) Agreements for the installation of public improvements for consideration of more than \$10,000 per transaction;

(C) Agreements for the acquisition of contractual services (but not professional services or insurance) for consideration of more than \$10,000 per transaction and the execution of contracts and agreements therefor;

(D) When competitive bidding is required by law, administrative rule or condition for a contract or grant; and

(E) When required by the City Council.

(F) The City Council may waive requirement of competitive bidding in the event that acceptable bids were not submitted in response to an invitation for bids or upon a determination of the City Council that competitive bidding would not be of benefit to the city.

(G) A requirement for competitive bidding may be satisfied by an inquiry to the State of Michigan, the federal government or a non-profit organization that extends competitive bids or resulting contracts to municipalities.

(Ord. 207, passed 10-20-03; Am. Ord. 237, passed 4-16-07)

Cross-reference:

Contracts, competitive bidding, see Charter § 5.32

#### § 34.06 COMPETITIVE BIDDING; AWARD OF CONTRACTS AND PURCHASES.

Where an opportunity for competitive bidding is provided, contracts and purchases shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to the price, the department head, purchasing coordinator or the City Council shall consider:

(A) The bidder's ability, capacity and skill to perform the contract or provide the supplies, material, equipment or services required promptly, or within the specified time, without delay or interference;

(B) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(C) The bidder's previous and existing compliance with laws and ordinances relating to contracts, purchase orders or services;

(D) The sufficiency of the financial resources of the bidder to perform the contract or provide the supplies, materials, equipment or services;

(E) The availability and adaptability of the supplies, materials, equipment or contractual services to the particular use required;

(F) The bidder's ability to provide future maintenance and service to the extent required by the contract;

(G) The number or scope of the conditions attached to the bid by the bidder;

(H) The brand, make or type of product being proposed by the bidder, and its compatibility with other similar materials or equipment currently owned and operated by the city;

(I) If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder, if any. In all other cases of tied bids, the contract or purchase shall be awarded to one of the tied bidders by drawing lots in public;

(J) A bidder is a local bidder and the local bidder's price is not greater than 5% above the lowest responsible bid.

(K) The city reserves the right to reject any and all bids.

(Ord. 207, passed 10-20-03; Am. Ord. 237, passed 4-16-07)

Cross-reference:

Contracts, competitive bidding, see Charter § 5.32

#### § 34.07 SPLIT ORDERS TO AVOID LIMITATIONS.

No person shall split any order for the purchase of personal property, real property, public improvements or contractual services to avoid the limitations contained in this chapter.

(Ord. 207, passed 10-20-03)

#### § 34.08 EMERGENCY PURCHASES.

Notwithstanding any other provision of this chapter, a person with authority as described in § 34.01 may purchase or authorize purchases of personal property when unforeseeable circumstances or combination of circumstances makes immediate action necessary provided that such purchases are made as competitively as is practical under the circumstances. A written statement of the basis for the emergency purchase and for the selection of the particular vendor or contractor shall be filed with the City Clerk within three days after the purchase is made.

(Ord. 207, passed 10-20-03)

#### § 34.09 PROCEDURES AND AUTHORITY MAY BE VARIED BY CITY COUNCIL.

The City Council may by motion duly adopted provide procedures and authority that differ from the procedures and authority set forth in this chapter.

(Ord. 207, passed 10-20-03)